

REMARKS

Please reconsider this application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the application and for indicating that the drawings filed on March 16, 2004 are accepted.

Disposition of Claims

Claims 1-25 were pending in the application. Claims 2, 8-9, 11-14, and 16-25 are hereby cancelled without prejudice or disclaimer. Claims 26-34 are newly added. Accordingly, claims 1, 3-7, 10, 15, and 26-34 are now pending. Claims 1 and 33 are independent. The remaining claims depend, directly or indirectly, from independent claims 1 and 33.

Amendments to the Specification

Paragraphs [0020], [0026], [0027], [0032], [0033], and [0034] are hereby amended to correct typographical errors. The amendments do not introduce any new subject matter, as the amendments are merely a formality to correct typographical errors.

Claim Amendments

Claims 1, 3, 5, 7, and 10 are hereby amended to correct typographical errors and clarify aspects of the claimed invention. As noted above, claims 26-34 are newly added. These amendments and newly added claims do not introduce any new subject matter, as support can be found, for example, in paragraphs [0017], [0020], [0022], [0024]-[0031], and [0036]-[0037] of the specification as filed.

Applicant notes that the amended claims recite, in part, “a request to replace the first replicated service.” Although the specification does not explicitly state that the request is to “replace” the first replicated service, the specification does state that the request is sent when the first replicated service is unavailable due to failure or other circumstances. *See, e.g.*, specification, ¶¶ [0014] and [0025]. One of ordinary skill in the art would recognize that the invention deals with the problem of replacing (either permanently or temporarily) a service under such circumstances. Thus, the amended claims have ample support throughout the specification and do not introduce any new subject matter. Further, from a practical perspective, the Examiner will appreciate that “a request to replace the first replicated service” is an economical use of language that helps describe the claimed invention without unnecessary obfuscation.

Objections to the Specification

The Examiner has objected to the specification as containing informalities in paragraphs [0020] and [0027]. *See* Office Action dated March 6, 2008, p. 2. As noted above, paragraphs [0020] and [0027] are hereby amended to correct typographical errors. The amended paragraphs do not include the aforementioned informalities. Withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2004/0049573 (“Olmstead”). The rejection is moot with respect to now-cancelled claims 2, 8-9, 11-14, and 16-25. To the extent that the rejection may still apply to the

amended claims, the rejection is respectfully traversed. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Further, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP § 2131. Applicant respectfully submits that Olmstead does not describe each and every element of amended independent claim 1.

Olmstead is directed to managing nodes in clusters of multiprocessor systems. *See* Olmstead, abstract. Specifically, in Olmstead’s clusters, one or more nodes are designated as “managers.” A manager is “responsible for detecting both new nodes in the cluster and the nodes that may have failed in the cluster.” *Ibid*, [0031]. When a node fails, the manager broadcasts a message to the node’s subscribers to notify them of the failure. If the manager itself fails, the failure is detected by either a client or a backup manager, and the backup manager becomes the manager. *See ibid*, [0057] and [0061]. New managers and/or backup managers are selected using a ballot mechanism among the nodes in the cluster. *See ibid*, [0032]-[0033]. In short, when a node (*i.e.*, a manager, backup manager, or client node) fails, other nodes in the cluster are responsible for detecting and managing the failure.

Turning to the claimed invention, amended independent claim 1 recites, in part:

wherein the first node is configured to:

*generate a request to replace the first replicated service when
the first replicated service is unavailable,
send the request to the plurality of nodes using the mesh
interconnect,
receive a response from the second node indicating that the
second replicated service is available, and
route a request for the first replicated service to the second
node based on the response.*

In general, amended independent claim 1 is directed to a scenario in which a node is hosting a service and the service is unavailable. However, the node is still active and responsible for locating a replacement for the service. Specifically, as recited in amended independent claim 1, the node is configured to send a request for a replacement to other nodes and route traffic to the appropriate node when the replacement is found. The node responsible for locating the replacement is *the same node* that is hosting the unavailable service.

In view of the above, the Examiner will appreciate that Olmstead does not describe each and every element of amended independent claim 1. In Olmstead, when a node fails, *other* nodes are responsible for managing the failure. Olmstead does not describe any scenario in which the node itself is responsible for locating a replacement for an unavailable service. Therefore, Olmstead cannot possibly describe a node configured to “generate a request to replace the first replicated service when the first replicated service is unavailable” and “route a request for the first replicated service to the second node based on the response,” where the node performing these steps is *the same node* that is hosting the unavailable service.

Clearly, Olmstead does not describe each and every element of amended independent claim 1. Therefore, amended independent claim 1 is patentable over Olmstead for at least the reasons given above. Claims 3-7, 10, and 15 depend, directly or indirectly, from amended independent claim 1 and are patentable over Olmstead for at least the reasons given above. Accordingly, withdrawal of the rejection is respectfully requested.

New Claims

Amended independent claim 1 is patentable over Olmstead for at least the reasons given above. Newly added independent claim 33 includes substantially similar limitations as

amended independent claim 1 and is patentable over Olmstead for at least the same reasons. Newly added claims 26-32 and 34 depend, directly or indirectly, from claims 1 and 33 and are patentable over Olmstead for at least the same reasons. Favorable action in the form of a Notice of Allowance is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33226/358001; SUN030251).

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Respectfully submitted,

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